

**Title 16. Respiratory Care Board**  
**Department of Consumer Affairs**  
[Technical Amendments and Education]

## **INITIAL STATEMENT OF REASONS**

**HEARING DATE:** April 29, 2003

**SUBJECT MATTER OF PROPOSED REGULATIONS:**  
Respiratory Care Technical Amendments and Education.

**SECTIONS AFFECTED:**

Sections 1399.301, 1399.321, 1399.330, 1399.331, 1399.333, 1399.349, 1399.350, 1399.351, 1399.352, 1399.352.5, 1399.353, 1399.356, 1399.395 of the California Code of Regulations, Title 16, Division 13.6, Articles 1,2,3,5, and 8

**SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL:**

Amend Section 1399.301 of Division 13.6 Article 1 of Title 16 of the California Code of Regulations to establish new principle office location.

Amend Section 1399.321 of Division 13.6 Article 2 of Title 16 of the California Code of Regulations to clarify application abandonment guidelines.

Repeal Section 1399.330 of Division 13.6 Article 3 of Title 16 of the California Code of Regulations is now defined under Business and Professions Code section 3740 (SB 1955, Chapter 1150, Statutes of 2002) which establishes minimum education requirements.

Repeal Section 1399.331 of Division 13.6 Article 3 of Title 16 of the California Code of Regulations is now defined under Business and Professions Code section 3740 (SB 1955, Chapter 1150, Statutes of 2002) which establishes minimum education requirements.

Repeal Section 1399.333 of Division 13.6 Article 3 of Title 16 of the California Code of Regulations is now defined under Business and Professions Code section 3740 (SB 1955, Chapter 1150, Statutes of 2002) which establishes minimum education requirements.

Add Section 1399.330 of Division 13.6 Article 3 of Title 16 of the California Code of Regulations to define work experience and good standing of licensure for consideration of education waiver.

Add Section 1399.349 of Division 13.6 Article 5 of Title 16 of the California Code of Regulations to define continuing education.

Amend Section 1399.350 of Division 13.6 Article 5 of Title 16 of the California Code of Regulations to further clarify continuing education requirements.

Amend Section 1399.351 of Division 13.6 Article 5 of Title 16 of the California Code of Regulations to clarify which professional exams constitute continuing education.

Amend Section 1399.352 of Division 13.6 Article 5 of Title 16 of the California Code of Regulations to establish additional criteria for acceptable courses and programs.

Add Section 1399.352.5 of Division 13.6 Article 5 of Title 16 of the California Code of Regulations to define acceptable continuing education course hours.

Amend Section 1399.353 of Division 13.6 Article 5 of Title 16 of the California Code of Regulations to further define continuing education audit procedures and to grant the board the authority to grant and extension to a licensee to complete his/her continuing education if the licensee failed to meet the requirements through no fault of his/her own.

Amend Section 1399.356 of Division 13.6 Article 5 of Title 16 of the California Code of Regulations to clarify that license status can be changed from active to inactive at any time, however, changing a license status from inactive to active requires a written request, payment of all current and outstanding fees, and acceptable proof of continuing education.

Amend Section 1399.395 of Division 13.6 Article 8 of Title 16 of the California Code of Regulations to set forth the actual fees in place.

### **FACTUAL BASIS:**

The Board moved its location from Howe Avenue to North 3<sup>rd</sup> street in April, 2001.

The proposed amendment for application abandonment will provide a clear definition to applicants as to when an application will deemed abandoned.

The existing sections related to education are no longer necessary, as effective 1/1/03, minimum education requirements are now defined under Business and Professions Code section 3740. As such, this proposal requests the repeal of these sections.

Pursuant to language established 1/1/03 under Business and Professions Code section 3740, the board has been granted the authority to waive education if evidence is presented and the board deems it as meeting the current educational requirements that will ensure the safe and competent practice of respiratory care. This proposal includes the establishment of language to define work experience and good standing of licensure necessary to determine if an education waiver is appropriate.

This proposals contains various amendments to the boards continuing education requirements. These amendments are necessary to clarify approved courses to ensure that the continuing education received by licensees is consistent with the current practice of respiratory care.

This proposal contains language which clarifies that a licensee may change the status of his/her license from active to inactive at any time and further clarifies the requirements to change a license from inactive to active status.

The Board needs to clarify the actual fees in place. Subdivision (b) is being amended because SB 1955, statues of 2002, amended section 3740 moving out-of-state and foreign applications to subdivision (c). The remainder amendments have already been established with the authority granted to the board under Business and Professions Code section 3775.

### **UNDERLYING DATA:**

None

**BUSINESS IMPACT:**

This regulation will not have a significant adverse economic impact on businesses.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT:**

This regulation does not mandate the use of specific technologies or equipment.

**CONSIDERATION OF ALTERNATIVES:**

No reasonable alternative to these regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than these proposed regulations.